



City Hall
555 Santa Clara Street
Vallejo, CA 94590

AGENDA

CODE ENFORCEMENT APPEALS BOARD MEETING

6:00 P.M.

City Council Chambers

February 25, 2016

George Roth, Chair
Wanda Madeiros, Vice-Chair

Board Members

Patricia Bernard
Fred Cavalli, Jr.
Lee Lancaster
Angela McClure
Edward Taylor

Robert McConnell – City Council
Liaison

This AGENDA contains a brief general description of each item to be considered. The posting of the recommended actions does not indicate what action may be taken. If comments come to the Code Enforcement Appeals Board (Board) without prior notice and are not listed on the AGENDA, no specific answers or response should be expected at this meeting per State law.

Pursuant to the Government Code Section 54954.3 (The Brown Act), members of the public shall be afforded the opportunity to speak on any agenda item of interest to them provided they are first recognized by the presiding officer. Members of the public wishing to be so recognized are requested to submit a completed speaker card to the Staff of the Board prior to the consideration of the item.

Those wishing to address the Board on any matter for which another opportunity to speak is not provided on the AGENDA but which is within the jurisdiction of the City Council to resolve may come forward to the podium during the "COMMUNITY FORUM" portion of the AGENDA.

Notice of Availability of Public Records: All public records relating to an open session item, which are not exempt from disclosure pursuant to the Public Records Act, that are distributed to a majority of the Board will be available for public inspection at the Code Enforcement Division or City Clerk's Office, 555 Santa Clara Street, Vallejo, CA at the same time that the public records are distributed or made available to the Board. Such documents may also be available on the City of Vallejo website at <http://www.cityofvallejo.net> subject to staff's ability to post the documents prior to the meeting. Information may be obtained by calling (707) 648-4469, TDD (707) 649-3562.



Vallejo City Council Chambers is ADA compliant. Devices for the hearing impaired are available from the City Clerk. Requests for disability related modifications or accommodations, aids or services may be made by a person with a disability to the City Clerk's office no less than 72 hours prior to the meeting as required by Section 202 of the Americans with Disabilities Act of 1990 and the federal rules and regulations adopted in implementation thereof.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. ROLL CALL

4. APPROVAL OF AGENDA

5. READING & APPROVAL OF MINUTES

A. December 9, 2015 – Special Meeting

6. CORRESPONDENCE: None

7. FIRST COMMUNITY FORUM

Anyone wishing to address the Board on any matter for which another opportunity to speak is not provided on the agenda, and which is within the jurisdiction of the Board to resolve, is requested to submit a completed speaker card to the Board Staff Person. When called upon, each speaker should step to the podium, state his/her name, and address for the record. The conduct of the community forum shall be limited to a maximum of fifteen (15) minutes, with each speaker limited to three (3) minutes, with each speaker limited to three minutes pursuant to Vallejo Municipal Code Section 2.20.300. The remainder of the speakers wishing to address the Board on non-agenda items will be heard at the Second Community Forum listed later on the agenda.

8. GUEST SPEAKER: None

9. PRESENTATIONS: None

10. NEW BUSINESS:

A. Introduction of New Board Member

B. Code Enforcement Appeal Hearing:

Hearing on First Citation for 1033 Western Avenue – Staff

Recommendation: Uphold the First Citation for the storage of the inoperative vehicle.

Contact: Lorena Burciaga, Code Enforcement Officer, 645-2605

11. OLD BUSINESS:

A. Staff Report on the Following Items:

Proposed CEAB Rules of Order and Procedure (modeled after the Beautification and Design Review Board Rules of Order and Procedure)

12. SECOND COMMUNITY FORUM

13. STAFF COMMENTS: None

14. ANNOUNCEMENTS: None

15. ADJOURNMENT

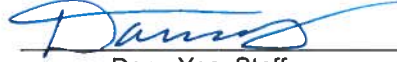
**City Hall
555 Santa Clara Street
Vallejo, CA 94590**

**CODE ENFORCEMENT
Code Enforcement Appeals Board (CEAB)
AGENDA**

**February 25, 2016
6:00 p.m.**

I, Dong Yoo, Staff, do hereby certify that I have caused a true copy of the above notice and agenda to be delivered to each of the members of the Code Enforcement Appeals Board, at the time and in the manner prescribed by law and that this agenda was posted at City Hall, 555 Santa Clara Street, CA at 5:00 p.m., Thursday, February 11, 2016

Dated: February 11, 2016



Dong Yoo, Staff

Notice of Availability of Public Records: All public records relating to an open session item, which are not exempt from disclosure pursuant to the Public Records Act, that are distributed to a majority of the Code Enforcement Appeals Board (Board) will be available for public inspection at the City Clerk's Office, 555 Santa Clara Street, Vallejo, CA at the same time that the public records are distributed or made available to the Board. Such documents may also be available on the City of Vallejo website at <http://www.cityofvallejo.net> subject to staff's ability to post the documents prior to the meeting. Information may be obtained by calling (707) 648-3414, TDD (707) 649-3562.



Requests for disability related modifications or accommodations, aids or services may be made by a person with a disability to the City Clerk's Office no less than 72 hours prior to the meeting as required by Section 202 of the Americans with Disabilities Act of 1990 and the federal rules and regulations adopted.

1. **CALL TO ORDER:** Chairperson George Roth (Chairperson Roth) 6:00 pm.
2. **PLEDGE OF ALLEGIANCE TO THE FLAG :** Chairperson Roth
3. **ROLL CALL:**

Present:	Chairperson George Roth Vice-Chairperson Wanda Madeiros Board Members: Patricia Bernard, Angela McClure, Edward Taylor
Absent:	Richard Charmack (Excused [Resigned]), City Council Liaison Robert McConnell
Staff:	Senior Code Enforcement Officer (SCEO) Dong Yoo, Lieutenant Kenny Park
4. **APPROVAL OF AGENDA:** Vice-Chairperson Madeiros motioned to approve the agenda, seconded by Board Member McClure. The motion carried unanimously.
5. **APPROVAL OF MINUTES:** Board Member Taylor motioned to approve the agenda, seconded by Board Member Lancaster. The motion carried unanimously.
6. **CORRESPONDENCE:** None
7. **FIRST COMMUNITY FORUM:** None

Anyone wishing to address the Board on any matter for which another opportunity to speak is not provided on the agenda, and which is within the jurisdiction of the Board to resolve, is requested to submit a completed speaker card to the Board Staff person. When called upon, each speaker should step to the podium, state his /her name, and address for the record. The conduct of the community forum shall be limited to a maximum of fifteen (15) minutes, with each speaker limited to three minutes. The remainder of the speakers wishing to address the Board on non-agenda items will be heard at the second Community Forum listed later on the agenda.
8. **GUEST SPEAKER:** None
9. **PRESENTATIONS:** None
10. **NEW BUSINESS:**
 - A. **Hearing on Appeal of First Citation Regarding 510 Hichborn Street – Staff Recommendation:** Uphold the First Citation for the storage of the inoperative vehicle, and order the owner to remove the inoperative and/or registered vehicles from the property on or before 30 days from the date of this hearing, or provide

proof that the vehicle is operational with current registration from the Department of Motor Vehicles (DMV).

Action: Board Member Lancaster motioned to uphold Staff recommendation, seconded by Board Member Taylor. The motion carried unanimously.

Contact: Dong Yoo, Senior Code Enforcement Officer, 648-4389

B. Hearing on Appeal of First Citation Regarding 415 Wallace Avenue – Staff Recommendation: Uphold the First Citation for the storage of the inoperative vehicle.

Action: Board Member Lancaster motioned to uphold Staff recommendation, seconded by Board Member Bernard. The motion carried unanimously.

Contact: Anthony Castillo, Code Enforcement Officer, 648-4327

11. OLD BUSINESS:

A. Staff Report on the Following Items:

1. Proposed CEAB Rules of Order and Procedure (modeled after the Beautification and Design Review Board Rules of Order and Procedure)

12. SECOND COMMUNITY FORUMS: None

13. STAFF COMMENTS: None

14. ANNOUNCEMENTS: None

15. ADJOURNMENT: Vice-Chairperson Madeiros motioned to adjourn the meeting. Motion seconded by Board Member Taylor. The meeting was adjourned at 6:37 pm.



CITY OF VALLEJO
POLICE DEPARTMENT
CODE ENFORCEMENT DIVISION

HEARING DATE: February 25, 2016
TO: Code Enforcement Appeals Board
FROM: Lorena R. Burciaga - Code Enforcement Officer
SUBJECT: HEARING ON FIRST CITATION FOR 1033 WESTERN AVE

Subject Property Address: 1033 Western Ave
Parcel Number: 0071282210
Owner of Record: Lusby Donna K
Case Number: CE15-2476
Violation(s): Vallejo Municipal Code (VMC) Section 7.64 010 (storage of inoperative vehicle).

This is an appeal on a First Administrative Citation for the storage of inoperative vehicle on the property at 1033 Western Ave.

BACKGROUND

- 1) 10-22-2015 I performed a proactive inspection of this property. I spoke to the tenant about the code violations. This tenant said she will take care of them. Photos taken.

There was one inoperative vehicle on the property parked in the driveway. It was a two door Black Mercedes Benz. The license plate read 5944H with broken glass. Photos taken.
- 2) 10-22-2015 An Administrative Warning Notice was sent to the property owner and tenant per Section 7.64.010 of the Vallejo Municipal Code, via regular and certified mail. This Warning Notice advised the owner and tenant to correct the violations by 11-27-15 and how to resolve the violation and avoid any fines.
- 3) 11-24-2015 A Public Nuisance letter was sent to the owner by the Deputy City Attorney Eli Flushman. See the attached letter.
- 4) 12-22-2015 I performed a re-inspection of this property. The same inoperative vehicle remained on the property parked in the driveway. The vehicle still had broken glass. Photos taken.
- 5) 12-22-2015 The first citation, in the amount of \$200.00, was mailed to the owner via certified mail.
- 6) 1-12-2016 I posted the first citation on the property. Photos taken.
- 7) 2-9-2016 I conducted a re-inspection and the violation had been abated. The vehicle was no longer in the driveway or in public view. Case Closed. Photos taken.

ATTACHMENTS

1. Initial Inspection Photographs dated 10-22-2015
2. Administrative Warning Notice dated 10-22-15
3. Re-inspection Photographs dated 12-22-2015
4. 1st Administrative Citation dated 12-22-2015
5. Citation Posting Photographs dated 1-12-2016
6. Final re-inspection Photographs dated 2-9-2016

RECOMMENDATION

Based upon the evidence presented, Staff recommends that the Board:

1. Uphold the First Citation for the storage of the inoperative vehicle.

CONTACT

Lorena R. Burciaga
Code Enforcement Officer
(707) 648-2605
Lorena.Burciaga@cityofvallejo.net



FILE COPY

Code Enforcement Division · 555 Santa Clara Street · Vallejo · CA · 94590 · 707.648.4469

10/22/2015

LUSBY DONNA K
562 BIRKDALE DR
VALLEJO, CA 94591

AN Warning / CE15-2476/ 1033 WESTERN AVE/LORENA BURCIAGA

ADMINISTRATIVE NOTICE - WARNING

Sent via certified mail to the person or persons listed as the owner of the real property in the most current equalized assessment roll of Solano County, including updated computer printouts, available to the City at the time notice is prepared, at his or their last known place of address as shown therein.

CASE NO.: CE15-2476
PARCEL NO.: 0071282210
LOCATION: 1033 WESTERN AVE

We need your help! The property referenced, owned or controlled by you is in need of your immediate attention. **An inspection was made on 10/22/2015** and the following violations were noted based on the Vallejo Municipal Code Section(s) stated below:

DESCRIPTION OF VIOLATION(S) AND REQUIRED CORRECTIVE ACTION(S)

Section 7.64.010 Prohibits storage of inoperative, unregistered, wrecked, or dismantled vehicles on the property.

Section 7.64.010 Prohibits storage of inoperative, unregistered, wrecked, or dismantled vehicles on the property.

Correction Required: Remove all inoperative and/or unregistered vehicles from the property or make the vehicles operational and currently registered. (NON-OPERATIONAL REGISTRATION IS NOT ACCEPTED)

Correction Required: Remove all inoperative and/or unregistered vehicles from the property or make the vehicles operational and currently registered. (NON-OPERATIONAL REGISTRATION IS NOT ACCEPTED)

The purpose of the Ordinance is to benefit the entire community by maintaining the value of real property and preventing deterioration of neighborhoods in our City. Please take immediate action to remedy this violation.

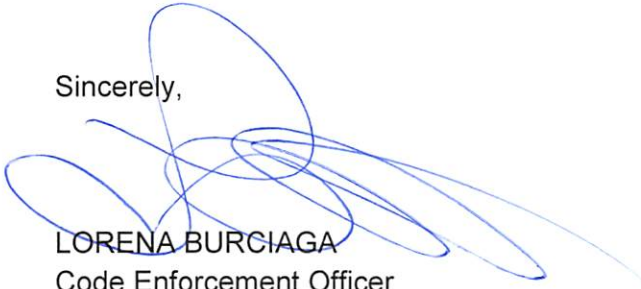
CONSEQUENCES OF NOT ABATING

Failure to correct the noted violation(s) by 11/27/2015 will result in the issuance of a 1st Citation, pursuant to Chapter 1.15 of the Vallejo Municipal Code, and imposition of a \$200.00 fine, as established by resolution by the City Council, per violation, per day that

each violation continues to exist past the correction date. If after a 1st Citation is issued and the violation(s) are still not abated within the time limit specified, then you may be subject to subsequent administrative citations with escalating fine amounts for repeat violations (2nd Citation: \$500.00, 3rd and subsequent Citations: \$750.00 - *per violation*, per day that each violation continues to exist past the correction date), and/or other legal remedies available to the City. The amount of any unpaid administrative charges may be made a lien on the real property on which the violation occurred and may constitute as a special assessment added to the ordinary secured property taxes.

If you have any questions, please contact me immediately at the phone number or e-mail address listed below or call this office at (707) 645-2605. Thank you.

Sincerely,



LORENA BURCIAGA
Code Enforcement Officer
(707) 645-2605
Lorena.Burciaga@cityofvallejo.net

1033 Western Ave





FILE COPY

City Attorney's Office · 555 Santa Clara Street · Vallejo · CA · 94590 · 707.648.4545

November 24, 2015

FIRST CLASS MAIL

Donna Lusby
1033 Western Avenue
Vallejo, CA 94591

Donna Lusby
563 Birskdale Drive
Vallejo, CA 94591

RE: *Nuisance at 1033 Western Drive, Vallejo, CA 94591*

Dear Ms. Lusby:

This letter is to inform you that the City of Vallejo (the "City") has placed 1033 Western Drive, Vallejo, CA 94591 (the "property") on our "Nuisance Watch List". Records at the Solano County Assessor's Office indicate that you are the owner of the property. This means we are investigating nuisance conditions at your client's property.

We are contacting you now with the hope you are willing to work with us to resolve the impact your property is having on the surrounding community. We believe these conditions are abatable and would improve the quality of life for everyone. Please review the information below and **contact me, Eli Flushman, at (707) 648-4146 by 11:00 a.m., Wednesday, December 9, 2015**, to discuss the actions you will be taking.

A. Nuisance Activity

The City has received numerous complaints about activity at the property. Those complaints include numerous complaints regarding fights and disturbances at the property, including disturbances involving weapons and threats to use those weapons. In addition, complaints allege drug activity.

Additionally, Vallejo Code Enforcement has issued an administrative notice regarding several violations of the Property Maintenance Ordinance (PMO) (VMC Chapter 7.54), including storage of inoperable cars, disrepair, and accumulation of junk and debris. If such violations go uncorrected, these would be a violation of the Municipal Code, and constitute a nuisance *per se*.

Donna Lusby

Re: *Nuisance at 1033 Western Drive, Vallejo, CA 94591*

November 24, 2015

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FILE COPY

The above-described conditions and activities at the property are negatively impacting the surrounding community. These conditions are preventing neighboring property owners from using and enjoying their own property as they otherwise would, and are causing a considerable amount of limited municipal resources to be repeatedly directed to your property. We are asking you to act to address these nuisance conditions and proactively prevent such conditions from recurring so that the City may direct its resources to other places of need.

B. Abating the Nuisance

There are numerous ways to address the nuisance conditions on the property. The following are a few suggestions for you to consider, although you may come up with alternative means of addressing these issues on your own:

- Enter into lease agreements with anyone allowed to reside at the property and enforce any provisions that are being violated; and
- Take responsibility for your property. Control who is allowed at the property, the type of activity allowed to take place on your property, and take action to ensure your property is not used in any way for nuisance activities or anything related to controlled substances.

You may want or need to take additional actions not listed above to adequately address the conditions of your property.

C. Failure to Abate the Nuisance

If the nuisance conditions are not adequately addressed, the City can file a civil lawsuit against you under California Civil Code § 3480 (Public Nuisance) and/or California Health and Safety Code § 11570 (Drug Abatement). Those laws authorize the City to bring a lawsuit **against the owner of the property** where a public nuisance or violation of the drug abatement act are occurring, regardless of whether or not the owner currently lives on the property or is complicit in the activity.

In such a lawsuit, **the reputation of the property in the community is admissible**. Once a judge determines that one or more of the above statutes was violated, your rights, and the use of the property may be severely affected. The property could be boarded up and ordered not to be used for any purpose for one year. In addition, the law provides harsh financial ramifications, including **a civil fine of up to \$25,000, in addition to paying the City's attorneys' fees and the police costs of investigation,** which may be substantial.

Donna Lusby

Re: *Nuisance at 1033 Western Drive, Vallejo, CA 94591*

November 24, 2015

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FILE COPY

D. Summary

Please contact me, **Eli Flushman** at 707-648-4146 by 11:00 a.m., **Wednesday December 9, 2015**, to discuss the activity at the property, and the steps you have taken or will be taking to address the nuisance. We hope to work with you to resolve these issues.

Sincerely,



ELI FLUSHMAN
Deputy City Attorney

cc: LaTanya Terrones, Housing Specialist Supervisor, Vallejo Housing Authority
Kenny Park, Lieutenant, Vallejo Police Department
Dong Yoo, Senior Code Enforcement Officer
John Garcia, Corporal, Community Services Section, Vallejo Police Department

CITY OF VALLEJO**FILE COPY**
Administrative Citation**CITATION #: CE15-2476INOP**☒ 1st Citation☐ 2nd Citation☐ 3rd Citation☐ 4th Citation☐ 5th Citation**PERSON CITED:****CASE #: CE15-2476****LUSBY DONNA K****VIOLATION ADDRESS:****PARCEL #:****1033 WESTERN AVE****0071282210****MAILING ADDRESS:****562 BIRKDALE DR, VALLEJO, CA 94591**

An administrative fine in the amount stated below is now being imposed. To avoid additional citations please correct this code violation by 02/05/2016. Other enforcement action may result if compliance is not achieved by the 3rd Citation.

FINE AMOUNT	MUNICIPAL CODE SECTION VIOLATED VIOLATION DESCRIPTION AND REQUIRED CORRECTION
200.00	Section 7.64.010 Prohibits storage of inoperative, unregistered, wrecked, or dismantled vehicles on the property. Correction Required: Remove all inoperative and/or unregistered vehicles from the property or make the vehicles operational and currently registered. (NON-OPERATIONAL REGISTRATION IS NOT ACCEPTED)
200.00	(see reverse side for payment and appeal instructions)

Date and time violation was observed: 12/22/2015

Citation Date: 12/22/2015

Issuing Officer: LORENA BURCIAGA

Signature:

Citing Department / Division: Code Enforcement Division

Phone Number: (707) 645-2605

Division Address: City of Vallejo Code Enforcement Division, 555 Santa Clara St. 1st floor, Vallejo, CA 94590**READ REVERSE SIDE FOR IMPORTANT APPEAL INFORMATION**

ADMINISTRATIVE CITATION

FILE COPY

City of Vallejo Municipal Code, Chapter 1.15, provides for the issuance of administrative citations for Municipal Code violations. The level of the citation and fine is indicated on the front of the citation. Each Municipal Code section violated is a separate offense with an independent fine. Likewise, each day any violation exists is a separate and distinct offense. Fines per each Municipal Code section violated are as follows: First Citation \$200.00, Second Citation \$500.00, Third and subsequent citations \$750.00.

RIGHTS OF APPEAL

You have the right to appeal this administrative citation within 30 calendar days from the date of the citation. The failure of any person to file a request for hearing shall be deemed to have waived his or her right to an administrative hearing. A request for hearing form shall be obtained from the citing department listed near the bottom of the Administrative Citation. This request must be accompanied by an advance deposit of the imposed fine or a request for an Advance Fine Deposit Waiver as explained below. You will be sent a written notice of the date and time set for your hearing. A failure to appear at the administrative citation hearing shall constitute a forfeiture of the fine and shall be deemed a waiver of your right to an administrative hearing. The Code Enforcement Appeals Board (Board) or Hearing Officer's decision shall be final. You may seek judicial review of the decision of the Board or hearing officer by filing a petition with a court of competent jurisdiction pursuant to California Code of Civil Procedure §1094.5 and §1094.6.

ADVANCE DEPOSIT WAIVER

If you contend that you are financially unable to make the advance fine deposit required to request a hearing of your Administrative Citation, you must file a request for Advance Fine Deposit Waiver. The request form may be obtained from the citing department. This form together with supporting documentation must be filed with the Hearing Request Form. The decision specifying the reasons for issuing or not issuing the waiver will be made in writing by the director (or his/her designee) of the citing department. The written determination shall be final and shall be served upon the person who applied for the waiver. If the director decides not to issue a waiver, the advance fine deposit shall be remitted within 10 days of the decision. If the advance fine deposit is not received by the citing department by this date, the request for hearing shall not be accepted and you shall be deemed to have waived your right to an administrative hearing.

HOW TO PAY THE FINE

The amount of the fine is indicated on the front of this administrative citation. **If the fine is not paid within 30 calendar days from the date of the citation, a \$445.00 administrative charge will be imposed.** Payment may be made in person at the Vallejo City Hall or by mail addressed to the City of Vallejo Code Enforcement Division, 555 Santa Clara Street, Vallejo, CA 94590. Payment by mail should be made by personal check, cashier's check or money order, payable to the City of Vallejo – Account No. 001-2412-310.36-13. Be sure to **write the Citation Number** on your check or money order and **enclose a copy of this Administrative Citation.**

CONSEQUENCES OF FAILURE TO PAY THE FEE

Any unpaid fees and/or costs may be recovered by the City through a lien or declared a special assessment against the subject property. Alternatively, the City may collect the fee and/or costs in a civil court action. Any person who fails to pay any fee and/or costs shall be liable in any action brought by the City for costs incurred in securing payment of the delinquent amount.

CONSEQUENCES OF FAILURE TO CORRECT VIOLATIONS

There are numerous enforcement options that can be used to encourage the correction of violations. These options include, but are not limited to, civil penalties, abatement, criminal prosecution, civil litigation, recording the violation with the County Recorder and forfeiture of certain State tax benefits for substandard residential rental property. These options can empower the City to collect fines, fees, demolish structures, make necessary repairs at the owner's expense, and incarcerate violators. Any of these options or others may be used if the notice and/or citations do not result in the achievement of compliance. If you need further clarification, please call the Department listed on the front of the citation.

1033

12/22/2015 10:15



12/22/2015 10:16





12/22/2015 10:16



12/22/2015 10:16



12/22/2015 10:15



12/22/2015 10:15



12/22/2015 10:16







CITY OF VALLEJO
POLICE DEPARTMENT
CODE ENFORCEMENT DIVISION

HEARING DATE: February 25, 2016
TO: Code Enforcement Appeals Board
FROM: Dong M. Yoo, Senior Code Enforcement Officer (on behalf of)
Lieutenant Kenny Park, Code Enforcement / Community Services Division Commander
SUBJECT: #11 Old Business

OLD BUSINESS

- A. The Vallejo City Council is currently considering the issue of adopting Rosenberg's rules of parliamentary procedure uniformly for all commissions in January of this year. However, due to numerous comments, that agenda item has been tabled by City Council for discussion at a later date. City Staff anticipates City Council will consider the adoption of Rosenberg's rules of parliamentary procedure during the March 22, 2016 meeting.